

AMENDMENT TO THE REVISED UNIFORM ATHLETE AGENTS ACT (2015)

In September 2017 the FBI arrested ten individuals related to a college basketball corruption scandal, including four assistant college basketball coaches and the director of global marketing for Adidas for bribery. At the heart of the scandal, the government alleged that representatives from Adidas illegally promised six-figure payments to the families of high school student-athletes in exchange for their commitments to schools sponsored by the shoe company and that coaches steered college student-athletes to financial advisors in anticipation of lucrative careers in the NBA.

As a result of these indictments, the NCAA established the Commission on College Basketball, chaired by Dr. Condoleezza Rice, “to fully examine critical aspects of Division I men’s basketball.” In April, the Rice Commission made its recommendations to the NCAA which amended its bylaws on August 8, 2018.

The changes to NCAA bylaws apply only to high school and college student-athletes playing basketball. They provide student-athletes with more freedom and flexibility to explore the possibility of going professional while retaining their college eligibility; minimize the leverage of harmful outside influences on student-athletes; make the NCAA investigations and infractions process more efficient and binding; and set stronger penalties for schools and individuals who break the rules. The NCAA stated the rationale for the changes in part: “Elite high school prospective student-athletes and college student-athletes need earlier professional advice to determine whether it is in their best interests to declare for the NBA draft or whether college basketball offers a superior pathway.”

The new bylaws conflict with criminal provisions in the Uniform Athlete Agents Act (enacted in 42 states) and the Revised Uniform Athlete Agents Act (enacted in 12 states). Under the new bylaws, certified sports agents can cover limited expenses of a prospective or enrolled student-athlete and their family for meals, hotel and travel in connection with the agent selection process. Both of the Uniform Law Commission’s (ULC) Athlete Agents Acts prohibit any payments to student athletes as long as the student-athlete is still eligible to play in his/her collegiate sport and acceptance of the benefits would cause the student athlete to

lose eligibility.

The NCAA asked the ULC to amend its two Athlete Agents Acts so that they did not conflict with the bylaw changes adopted by the NCAA. Dale Higer, Chair; Jerry Bassett, Reporter; and Jim Concannon, style liaison, of the Standby Committee on RUAAA (Standby Committee) drafted a proposed amendment to the two Acts to accommodate the bylaw changes. The amendment is not limited to basketball or for certain expenses as the new NCAA bylaw is because the NCAA may decide later to make other, broader changes to the benefits athlete agents can provide student-athletes. Drafting the amendment so that it can apply beyond the current bylaws change ensures that the ULC will not have to go to the legislatures every time the NCAA broadens its bylaws. The amendment does, however, set forth appropriate safeguards so that it only applies if the NCAA makes further changes.

The proposed amendment was approved by the Standby Committee and by the Executive Committee of the ULC. It will be placed on the agenda for final approval at the annual meeting of the ULC in July 2019.